



Waganakising Odawak

Little Traverse Bay Bands of Odawa Indians

Office of Tribal Chairperson

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BUILDING CODES ADOPTION REGULATIONS REG-WOS 2009-007 063017-001

- I. Purpose of Regulations.** The purpose of these regulations is to protect and promote the health and safety of LTBB and its citizens through adoption of various building, property maintenance, mechanical and safety codes.
- II. Definitions:**
- A. **Building Code Administrator** – Individual appointed by a Tribal administrator, and charged with the responsibility for direct regulatory administration or supervision of plan review, enforcement, or inspection of building construction, erection, repair, addition, remodeling, demolition, or alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes as required by LTBB Statute. Synonymous with Building Official.
 - B. **Building Inspector** - any of those contractors or employees of the Tribe or Federal agencies with building construction regulation responsibilities who themselves conduct inspections of building construction, erection, repair, addition, or alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes as required by LTBB statute.
 - C. **Building Permit**- A Legal document issued by the Building Official allowing building construction, erection, repair, addition, or alteration projects to commence.
 - D. **Construction Project** - means an organized non-continuous undertaking to complete a specific set of predetermined objectives for the planning, environmental determination, design, construction, repair, improvement, or expansion of buildings or facilities.
 - E. **Contractor**- An independent contractor means a person whose conduct is not subject to an employer's control and direction.
 - F. **Department** – means the LTBB Planning Department.

- G. **Employee** – means any person engaged in any employment under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed and includes, but is not limited to, aliens and minors.
- H. **International Code Council** – means a membership association dedicated to building safety and fire prevention. They develop codes used to construct residential and commercial buildings, including schools. LTBB has chosen to adopt the codes developed by the International Code Council when preparing the tribal regulations.
- I. **LTBB** – means the Little Traverse Bay Bands of Odawa Indians or the “Tribe”.
- J. **Most recent version** – means the version of the code in question currently in use by the International Code Council or in the case of NFPA 70, the National Fire Protection Association.
- K. **NFPA** – means “National Fire Protection Association”, an advocate of fire prevention an authoritative source on public safety. NFPA develops, publishes, and disseminates more than three-hundred (300) consensus codes and standards intended to minimize the possibility and effects of fire and other risks.
- L. **Plan Reviewer** - person who is qualified to determine that plans submitted for purposes of obtaining building and other permits comply with the applicable building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other applicable construction codes. A person may be qualified in building, mechanical, gas, electrical, or a combination of the four.

III. LTBB Planning Department Codes. The most recent versions of the following codes are on file in the offices of the LTBB Planning Department:

- A. International Building Code;
- B. International Fire Code;
- C. International Residential Code;
- D. International Plumbing Code;
- E. International Private Sewage Code;
- F. International Mechanical Code;
- G. International Fuel Gas Code;
- H. International Energy Conservation Code, IC-700;

- I. International Property Management Code;
- J. International Existing Building Code; and
- K. National Electrical Code, NFPA 70
- L. International Green Construction Code, National Green Building Standards;

IV. Regulations pertaining to all Code Adoptions:

- A. **General Fee Schedule.** The fee for permits, plan review, inspections and occupancy shall be determined through the Tribal administration's policy and procedures.
- B. **Alterations to Specific Code Sections.** The Little Traverse Bay Bands of Odawa Indians adopts these Codes as Tribal law with the jurisdiction in each code inserted as Little Traverse Bay Bands of Odawa Indians, and any relevant and necessary modifications as determined by Tribal Administration.
- C. **Interdepartmental Cooperation.** Upon request from the Department, other Executive departments shall assist the Department in these regulations to the extent permitted by LTBB law, or applicable federal law.
- D. **The Building Code Administrator (BCA)** (or a certified designee) shall have the overall responsibility for reviewing all plans and specifications for compliance with adopted codes and standards. Once the review is completed, the BCA will return appropriate documents and references for corrections, if necessary, or issue a permit. If corrections are necessary, the design professional or contractor must make corrections and provide a finalized copy of all project documents to the Building Code Administrator (BCA) before a permit will be issued.
- E. **Contractors:** All other contracted individuals and tradesmen contractors working on construction projects under the jurisdiction of the LTBB are required to work under the necessary permits. In addition, contractors must be licensed, registered, and insured in accordance with Michigan and Tribal law. There is no exception. Prior to receiving a permit, contractors are required to provide plans, specifications, and construction documents, as well as proof of their state licensing, general liability and worker's compensation insurances to the Building Code Administrator. This includes all trade disciplines from the general contractor, as well as individual contractors for building, electrical, mechanical, plumbing, fire suppression, and irrigation that may be responsible for obtaining permits. This also includes general contractors, who hire sub-contractors to work on construction projects. The general contractor has the overall responsibility to ensure his subcontractors can meet and comply with Tribal permitting requirements. It is incumbent upon all contractors to schedule inspections, as a minimum as outlined in the Building Code, or as directed by the Building Code

Administrator. Inspectors have the authority to perform any additional inspections, as they deem necessary to insure compliance with code requirements and project documents. This includes all permits as well as the final Certificates of Occupancy or Completion.

- F. Building Code Administrator Duties.** The Building Code Administrator (BCA) shall employ or contract qualified inspectors to conduct plans review and code inspections as required by the building inspection program. The BCA will have the overall responsibility in reviewing plans and specifications for compliance with adopted codes and standards. After reviewing the documents, comments will be returned with appropriate references. The BCA will issue permits to contractors upon satisfactory completion of the application process and receipt and review of all necessary documents.
1. The BCA, in conjunction with the general contractor or construction manager, will develop an inspection schedule to facilitate appropriate inspections to coincide with the project construction schedule. The BCA shall initiate construction inspections in accordance with the established inspection schedule at times requested by the appropriate contractor(s). Inspectors shall be granted permission to perform any additional inspections, as they deem necessary to insure compliance with code requirements and project documents.
 2. Upon completion of a new building, the BCA shall issue a Certificate of Occupancy (CO). The certificate of occupancy will state the building is complete, constructed in accordance with the plans and specifications, and meets the minimum code requirements at the time of issuance of the building permit. The Fire Marshal and/or other inspecting personnel must inspect and certify the building is substantially complete prior to the BCA issuance of a Certificate of Occupancy and approved occupancy of the structure.
 3. At the completion of a renovated building, The BCA shall issue a Certificate of Completion (CC). The Certificate of Completion will state the renovated portions of the building are complete, constructed in accordance with the plans and specifications, and meets the minimum code requirements at the time of issuance of the building permit.
 4. A Conditional Certificate of Occupancy (CCO) or Conditional Certificate of Completion (CCC) may be issued by the Building Official at his/her discretion for a period not to exceed 60 days. If items have not been completed after the 60 day conditional occupancy, the General Contractor may be subject to additional inspection fees assessed by the Building Official.

- V. Any decision or denial of permits may be appealed to the Zoning Board of Appeals.

Public Comment

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